

Serial No. 09/676,251

- 2 -

Art Unit: 1771

claims 1, 24, and 28. Therefore, these independent claims are neither anticipated by, or obvious over Keiser. Claims 2-3, 5-7, 12, 13, and 20-23 depend from claim 1; claims 25 and 27 depend from claim 24; and, claim 29 depends from claim 28. These dependent claims, thus, are patentable over Keiser for at least this reason. Accordingly, Applicants respectfully request withdrawal of the claim rejections on this ground.

Rejection of Claims 4, 9-11, 14-16, 17-19, 26, and 30-33

Claims 4, 9-11, 14-16, 17-19, 26, and 30-33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Keiser.

Claims 4, 9-11, 14-16, and 17-19 depend from claim 1 which is patentable over Keiser as described above. Claim 26 depends from claim 24 which is patentable over Keiser as described above. Claim 30 depends from claim 28 which is patentable over Keiser as described above. Therefore, these dependent claims are patentable over Keiser for at least the reason described above.

Applicants do not observe where Keiser discloses or suggests an in-mold decorated article comprising an injection-molded polymeric material as recited in independent claim 31. Therefore, claim 31 is also patentable over Keiser. Claims 32 and 33 depend from claim 31 and are patentable over Keiser for at least this reason.

Accordingly, Applicants respectfully request withdrawal of the claim rejections on this ground.

Rejection of Claim 5

Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Keiser in view of U.S. Patent No. 4,961,983 (Smorada). Claim 5 depends from claim 1 which is patentable over Keiser as described above. Smorada fails to provide the deficiency of Keiser with respect to independent claim 1. Specifically, Smorada does not disclose an in-molded decorated article comprising an injection-molded microcellular polymeric material as recited in claim 1. Therefore, claim 5 is patentable over the combination of Keiser and Smorada.

Accordingly, Applicants respectfully request withdrawal of the rejection of claim 5 on this ground.

576210.1

Serial No. 09/676,251

- 3 -

Art Unit: 1771

Rejection of Claim 8

Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Keiser in view of U.S. Patent No. 5,948,711 (Closson). Claim 8 depends from claim 1 which is patentable over Keiser as described above. Closson does not provide the deficiency of Keiser with respect to claim 1. Specifically, Closson does not teach or suggest an in-molded decorated article comprising an injection-molded microcellular polymeric material as recited in claim 1. Therefore, claim 8 is patentable over the combination of Keiser in view of Closson for at least this reason. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 8 on this ground.

CONCLUSION

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this response, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted

Vadala et al., Applicants

By:



Robert H. Walat, Reg. No. 46,324
 Timothy J. Oyer, Reg. No. 36,628
 Wolf, Greenfield & Sacks, P.C.
 600 Atlantic Avenue
 Boston, Massachusetts 02210-2211
 Tel. No.: (617) 720-3500
 Attorney for Applicant

Docket No. T0428/7090
 Date: November 19, 2001
 X11/17/01

576210.1